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2024:PHHC:027109

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-9305-2024
DECIDED ON:27.02.2024

SUNNY SINGH
VERSUS
STATE OF PUNJAB
.....PETITIONER
.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL.

Present: Mr. Amit Arora, Advocate
for the petitioner.

Mr. Jasjit Singh Rattu, DAG Punjab.

SANDEEP MOUDGIL, J (ORAL)

1. The jurisdiction of this Court under Section 439 Cr.P.C. has been invoked for the grant of regular bail to the petitioner in case FIR No. 110, dated 08.05.2023, under Sections 508, 34 of IPC, 186 0 (Sections 379-B(2)/411 of IPC added later on), registered at Police Station Maqboolpura, District Amritsar.
2. It has been contended on behalf of the counsel for the petitioner that initially the petitioner was not named in the FIR but subsequently, on the basis of supplementary statement made by the complainant, the petitioner has been nominated as an accused along-with other accused persons. The allegations qua the petitioner is that he has snatched the nose pin and earrings of the mother of the complainant apart from the purse and mobile phone.
3. On the other hand learned State counsel has produced the custody certificate of the petitioner, which is taken on record. He prays for dismissal of the

present petition urging that he has actively participated in the commissioning of offence.

4. Heard, learned counsel for the respective parties.
5. Be that as it may, considering the custody period suffered by the petitioner i.e., 9 months and is not involved in any other case, as is evident from the custody certificate, meaning thereby he is a person of clean antecedents added with the fact no recovery is to be effected from the petitioner, wherein investigation is complete, challan stands presented and conclusion of trial shall take sufficient time, no fruitful purpose would be served by detaining the petitioner for an indefinite period, which would tantamount to infringement of his right to life and liberty as envisaged under Article 21 of the Constitution of India as well as right for speedy trial and expeditious disposal. Even otherwise considering the basis principle criminal jurisprudence i.e. “*bail is rule and jail is an exception*”.
6. In view of the discussions made hereinabove, the petitioner is directed to be released of regular bail subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate, concerned.
7. In the afore-said terms, the present petition is, hereby, allowed.
8. However, it is made clear that anything stated hereinabove, shall not be construed as an expression of opinion on the merits of the case.

27.02.2024
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(SANDEEP MOUDGIL)
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No